as an individual or private corporation in like circumstances. *Fisher* v. *New Bern,* 140 N. C. 506, 53 S.E. 342, 5 L. R. A. (N.S.) 542, 111 Am. St. Rep. 857; *Bullmaster* v. *St. Joseph,* 70 Mo. App. 60; *Henderson* v. *Young,* 26 Ky. L. Rep. 1152, 83 S.W. 583.

MASTER AND SERVANT—SOLICITATION OF TRADE BY FORMER EMPLOYEE.—Defendant was formerly employed by plaintiff in selling butter and eggs to customers most of whom had dealt with the plaintiff for some time, though defendant, during the course of his employment, added some new customers to his selling list. The names of all these parties were listed in the city directory as retail dealers in butter and eggs. After leaving plaintiff's employ, defendant continued to sell to most of these persons, and plaintiff seeks to enjoin him. *Held,* in the absence of an express contract, defendant cannot be perpetually prevented from using the knowledge gained while in plaintiff's employ for his own benefit now that the contract of employment has expired. *Boosing* v. *Dorman et al.* (1912), 133 N. Y. Supp. 910.

The precise question under such a statement of facts does not seem to have been passed upon before. Contracts in restraint of trade have been held to be good where they were confined to a particular territory or covered a definite period of time, even though the law does not favor them, *Ropes* v. *Upton,* 125 Mass. 258; *Watson* v. *Ross,* 46 Ill. App. 188; *Tallis* v. *Tallis,* 22 L. J. Q. B. 185, such as contracts restraining agents or employees from competing with their employers after employment ends. *Jarvis Adams Co.* v. *Knapp,* 121 Fed. 34; *Harrison* v. *Glucose, etc. Refining Co.,* 116 Fed. 304; *Carnig* v. *Carr,* 167 Mass. 544. Also secret processes of manufacturing have been protected when the servant acquired knowledge of them purely by reason of his employment. *Peabody* v. *Norfolk,* 98 Mass. 452; *Tabor* v. *Hoffman,* 41 Hun. 5, affirmed in 118 N. Y. 30; *Stone* v. *Goss,* 65 N. J. Eq. 756; *Thum* v. *Tloczynski,* 114 Mich. 149. But in the principal case, the court refuses to take the next step suggested by the facts in the principal case, saying "the knowledge which Dorman acquired by calling upon customers * * * with regard to their habits of buying, their financial worth, and their individual characteristics and preferences, can hardly be denominated 'trade secrets' which the employee is prohibited from using after the termination of his employment, in the absence of an express contract." As said in *Gossard Co.* v. *Crosby,* 132 Iowa 155, 109 N. W. 483; "The allegation that appellee is profiting by the experience and knowledge which she obtained in appellant's service alleges no legal wrong. An employee leaving the employer's service cannot leave the experience or knowledge there acquired." To the same effect, *Rogers Mfg. Co.* v. *Rogers,* 58 Conn. 356; *Sternberg* v. *O'Brien,* 48 N. J. Eq. 370; *Chain Belt Co.* v. *Von Spreckelsen,* 117 Wis. 106.

MUNICIPAL CORPORATIONS—ASSESSING RAILROAD RIGHT OF WAY FOR LOCAL IMPROVEMENTS.—Under the charter of St. Louis providing that "all the property" within a district to be specified should be assessed for street improvements, an assessment for the reconstruction and paving of a street was imposed on land owned by defendant company and used solely as a right of

way. *Held,* that a railroad right of way was subject to assessment the same as any other land. *Gilsonite Construction Co.* v. *St. Louis, I., M., & S. Ry. Co.* (Mo. 1912) 144 S. W. 1086.

The weight of authority seems to be with the principal case, *Heman Construction Co.* v. *Wabash R. Co.* 206 Mo. 172; *St. Louis & N. R. Co.* v. *Barber Asphalt Paving Co.,* 197 U. S. 430. Some courts consider such an assessment valid when the land is held in fee; but invalid if the right of the railroad is a mere easement. *Chicago, R. I. & P. Ry. Co.* v. *Ottumwa,* 112 Iowa 300; *M. & St. Louis R. R. Co.* v. *Lindquist,* 119 Iowa 144. Of the courts that refuse to allow such assessment some have exempted the railroad because of statute or charter construction, *City of Philadelphia* v. *FairhillR. Co.,* 41 Pa. Super. Ct. 245; while others have denied the right altogether, *In Re East 136th Street in City of New York,* 111 N. Y. Supp. 916; *Naugatuck R. R. Co.* v. *Waterbury,* 78 Conn. 193. Some of those who hold that land used merely as a right of way is not subject to such assessments, hold the tax good when laid on land used for other railroad purposes, *viz.*: depot, sheds, switches, etc. *Erie R. Co.* v. *Paterson,* 72 N. J. L. 83. A rule allowing railroad property to be assessed if shown to be actually benefited specially is adopted in some cases. *Philadelphia* v. *Phila. & Reading R.,* 177 Pa. 292; *Erie R. Co.* v. *Peterson,* 72 N. J. L. 83.

MUNICIPAL CORPORATIONS — IMPROVEMENT DISTRICTS — ASSESSMENTS OUTSIDE OF SAME INVALID.—Defendant city passed an ordinance establishing an improvement district, and designating the properties comprising the same. The statute governing such districts provided that the ordinance creating the district should direct the clerk to advertise for bids, etc., and gave the property owners in the district an opportunity to be heard as to materials to be used, etc. In making the assessments for the improvement in question, property outside the improvement district was assessed for taxation, it being shown that such property was in fact specially benefited. Plaintiff, an owner of such outside property contests the validity of this assessment against his property. *Held,* such assessement is invalid. "The formation of the improvement district is the foundation for all subsequent proceedings," including the levying of assessments for the improvement. The statutes construed together show that only property within the improvement district is liable for the cost of the improvement. *McCaffrey, et al.* v. *City of Omaha* (Neb. 1912) 135 N. W. 552.

The general rule is that special assessments are levied against properties in proportion to the special benefits received. *Quill* v. *Indianapolis,* 124 Ind. 292, 23 N. E. 788, 7 L. R. A. 681. *In re Grant St.,* 17 Pa. Super. Ct. 459. *Sears* v. *Street Commissioners of Boston,* 173 Mass. 350, 53 N. E. 876; *Adams* v. *Shelbyville,* 154 Ind. 467, 57 N. E. 114, 49 L. R. A. 797, 77 Am. St. Rep. 484. CONTRA: *Rolph* v. *Fargo,* 7 N. D. 640, 42 L. R. A. 646. Many jurisdictions hold that the setting aside of a district for assessment is conclusive of the fact that property within the district is benefited. "If the legislation has fixed the district, and laid the tax for the reason that, in the opinion of the legislative body, such district is peculiarly benefited, that is conclusive." COOLEY, TAXATION, Ed. 1. p. 450. *Mayor, etc., of Baltimore* v. *Hughes,* 1 Gill, & J.